



STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
JEFFREY R. VONK, DIRECTOR

August 22, 2005

Upper Mississippi River NW&FR
CCP Comment
Attn: Don Hultman, Refuge Manager
Room 101
51 East Fourth Street
Winona, MN 55987

2401

Dear Mr. Hultman:

This letter represents the Iowa DNR comments on the Upper Mississippi River National Wildlife and Fish Refuge Draft Environmental Impact Statement and Comprehensive Conservation Plan May 2005.

As you know the management of the Upper Mississippi River is a complex multi-jurisdictional task. The Iowa Department of Natural Resources is proud to be a partner in the management of this important natural resource. We value having the most visited USFWS Refuge along Iowa's border. The economic impact of these visitors and the recreational opportunities that the River provides to Iowans and to the nation are very significant.

The Iowa Department of Natural Resources is an advocate for sportspersons, recreationists, and a clean diverse environment. This plan proposes many changes which many members of the public view as being very restrictive. The Iowa DNR cautions the Refuge to review all regulation changes to ensure that the public that uses the refuge is not overly regulated and the proposed regulations are needed and targeted to provide the expected results for the Refuge.

My staff has read the plan and has several specific comments on some of the proposed actions. For the sake of clarity these comments will address the proposed actions and issues presented in Table 1: Alternative Comparison by Issue/Objective, Upper Mississippi River NW&FR.

If not specifically exempted comments will be on the Alternative D. (Preferred Alternative)

Goal 1 Landscape

- 1.2 Refuge Boundary: Iowa DNR agrees with the CCP and encourages the Refuge and the COE to survey the boundary to keep encroachment down and identify boundaries.
- 1.2 Acquisition within approved boundary: Iowa DNR agrees and supports the Service in acquisition of critical habitats as well as considering public recreational values.
- 1.3 Bluffland Protection: Iowa DNR supports bluffland protection as outlined in the CCP. The Iowa DNR along with many other partners has been working on protection of this resource.
- 1.4 Research Natural Areas and special Designations: Iowa DNR agrees.

Goal 2 Environmental Health

- 2.1 Water Quality: Iowa DNR agrees. We have embarked on the same course. We welcome another partner in this massive effort. When implemented, please contact your partners including the Iowa DNR to make the best use of the additional resources you will be bringing to the problem. This will also keep duplication of efforts to a minimum.
- 2.2 Water Level Management: Iowa DNR supports integrated water level management of the Mississippi River Pools. Water level management task forces have been formed in the St Paul and Rock Island districts of the COE. As you are aware any pool level water level management would require a cooperative effort of all river management agencies. We also support the establishment of the Access Trust Fund to facilitate river access during drawdowns.
- 2.3 Invasive Plants: Iowa DNR supports the Service as an active partner in efforts to reduce and inventory invasive plants from the Refuge. We support an increased emphasis by the Service on educational efforts. Current signage must be maintained.
- 2.1 Invasive Animals: Iowa DNR welcomes the Service as an active partner in the control invasive animals on the Refuge.

Goal 3 Wildlife and Habitat

- 3.1 Environmental Pool Plans: Iowa DNR as a partner in preparation of these plans, supports aggressive implementation of these plans. We would also like to see the Refuge seek additional funding through the Department of the Interior for implementation of the plans.
- 3.2 Guiding Principals for all Habitat Management Programs: Iowa DNR supports the Service proposing funding for more Habitat Management Programs. The guiding principals for every habitat project should be how well the project meets the needs for providing habitat. These projects should be evaluated on a case by case basis to provide the best habitat for sustaining the ecosystem of the Upper Mississippi River.
- 3.3 Monitor and Investigate Fish and Wildlife Populations and Their Habitats: Iowa DNR supports increased monitoring in partnership with adjacent agencies.
- 3.4 Threatened and Endangered Species Management: Iowa DNR supports the monitoring and plan preparation for these species.

- 3.5 Furbearer Trapping: Iowa DNR supports continuing the current trapping and harvest on the Refuge.
- 3.6 Fishery and Mussel Management: Iowa DNR supports increased involvement by the refuge in fishery and mussel management on the refuge. We encourage the Refuge to take an active role in UMRCC fisheries technical section. The UMRCC fisheries technical section also has a mussel ad hoc committee. Iowa DNR reserves the rights of the state to manage fisheries and mussel resources in Iowa waters.
- 3.7 Commercial Fishing and Clamming: Iowa DNR supports more involvement by the Refuge in Commercial fishing and clamming on the refuge. Iowa DNR cautions the Service that the management authority for these resources is the Iowa Department of Natural Resources. We see no need for additional permits to commercial fishers. The States and the UMRCC keep commercial fishing statistics and they are reported to the UMRCC. These statistics are available to the Refuge.
- 3.8 Turtle Management: Iowa DNR agrees this species needs more attention on the refuge however we reserve the right to manage this species. Iowa DNR has commercial harvest data on turtles that is available to the refuge.
- 3.9 Forest Management: Iowa DNR concurs with the Refuge CCP to increase involvement in forest management.
- 3.1 Grassland Management: Iowa DNR agrees.

Goal 4 Wildlife-Dependent Recreation.

- 4.1 General Hunting: Iowa DNR agrees with the CCP except we suggest adding the 6 new no hunting zones as no hunting zones from March 15 to September 1st every year. This accomplishes the goal of reduced user conflicts during the high use period of the summer but does not exclude traditional use during the fall for hunting based recreation. We have this specific comment on the Proposed Crooked Slough No Hunting Zone; the Service needs to open the area just downstream of the emergency spillway to fishing and boating. This area currently and traditionally attracts many anglers.
- 4.2 Waterfowl Hunting Closed Areas: Iowa DNR supports additional or modified closed areas for a total of 21 refuge wide. We understand that by supporting this section we are supporting limiting access to fishing and boating to these areas. The lack of disturbance to migrating waterfowl and the purpose for which the refuge was created were the factors that brought us to this decision. Iowa DNR also requests that some of the closed area boundaries need to be coordinated with the states to reduce conflicts. Iowa Department of Natural Resources would like to receive detailed maps of all the proposed closed areas to help eliminate most conflicts with this issue. In no case should the closure dates extend beyond the period from October 1 to the close of the duck season. Iowa DNR makes the following comments on specific closed areas:
 - Pool 10 proposed Guttenberg Ponds Waterfowl Sanctuary, move the West boundary East to exclude Swift Slough from the proposed Closed area.
 - Pool 12, the new closed area proposed called Kenough Slough should be moved North to the area known as Hires Lake. Menominee slough should be left open for boat traffic.

Pool 13 Pleasant Creek Closed area, remove Caseys Island and make the East boundary the land on the West side of the slough behind Caseys Island.

- 4.3 Waterfowl Hunting Regulation Changes: Iowa DNR does not believe that the 25 shell limit and 100 yard hunter spacing will be productive and enforceable in handling the problems that these rules were designed to minimize. The 25 shell limit was proposed to reduce "skybusting" or shooting/wounding waterfowl that are out of effective range. This can be a problem but we believe there are more effective ways to handle this problem. Education (4.11) of hunter user groups could help solve this problem. We are concerned with over regulation of constituent groups with the regulation having a minimal chance of affecting the issue that is trying to be solved. Also enforcement of the 100 yard spacing is not practical. Iowa DNR defers to the state of Wisconsin on the New Open water areas within that state.
- 4.4 Firing Line – Pool 7 Lake Onalaska: Iowa DNR has no standing in this issue.
- 4.5 Permanent Hunting Blinds on Savanna District: Iowa DNR has a long tradition of support for permanent blinds use on the Mississippi River. We also realize that the issue of proprietary use of public hunting areas and the deposition of litter into the River are real problems with the use of permanent blinds on the UMR NF&WR. We also realize that all other districts within the Refuge have adopted rules prohibiting the use of permanent hunting blinds on the refuge. For the reasons outlined above, to limit proprietary use, and to make Refuge regulations more uniform the Iowa DNR will concur with a phase-out of permanent hunting blinds in the Savanna District.
- 4.6 Potter's Marsh Managed Hunt- Savanna District: Iowa DNR has no standing on this issue.
- 4.7 Blanding Landing Managed Hunt Program: Iowa DNR has no standing on this issue.
- 4.8 General Fishing: Iowa DNR supports the addition of the new fishing piers/docks. Iowa DNR is in favor of promoting bank, shore, and openwater fishing on the Refuge. We believe there are more areas than identified in the plan that need to be added to accommodate shore fishing. Iowa DNR fisheries staff are willing to help identify these areas with Refuge staff.
- 4.9 Fishing Tournaments: The states already have a permit system in place. We request the Service work with the states to reduce duplication of effort and coordinate with the states for any information the Service needs.
- 4.10 Wildlife Observation and Photography: Iowa DNR supports in principle the use of existing and new facilities in the plan. We also suggest the 21 canoe trails each have a landing or launch delineated. However, we disagree with the idea that any hiking, biking, or auto tour route or trail be closed year-round to hunting. The reasoning used in the CCP is to avoid user conflicts. Iowa DNR suggests many of these areas can be closed to hunting from March 15 to September 1st to alleviate perceived user conflicts. The public has been using these areas for years while they have been managed for multiple use. Iowa DNR is also concerned with the addition of refuge areas and the potential impact on expanding white-tailed deer populations. CWD is already present in Wisconsin, and the Iowa DNR has initiated an intensive CWD detection plan including

counties adjacent to Wisconsin. The Iowa DNR does not support any areas where deer can not be hunted and/or sampled for this detection effort.

- 4.11 Interpretation and Environmental Education: Iowa Department of Natural Resources believes strongly in interpretive and educational programs. We support their use by the Refuge to inform and educate the public and user groups. We also believe that some of the conflicts perceived by user groups can be handled by good public education on functions of the refuge. Iowa DNR believes that "skybusting" and hunter spacing (100 yard rule) can be better handled under this objective than under objective 4.3.
- 4.12 Fish Floats: Iowa DNR believes there are user groups of anglers that use these fish floats. We are concerned that the phasing out of this program will indirectly limit this recreational activity. Every effort should be made to keep this type of recreational activity on the refuge. The Iowa DNR does agree that there has been safety, non-compliance, and regulatory issues that needed to be addressed. The Coast Guard should be consulted regarding license requirements and suggest operator obtain a current pilot and engineer license
- 4.1 Guiding Services: Iowa DNR agrees with the CCP.

Goal 5 Other Recreational Use.

- 5.1 Beach Use and Maintenance: Iowa DNR recognizes the historic and growing use of these beaches. We can find no reference in the code of Iowa where the public can be denied entry to a public use facility if their blood alcohol level is .08 or above. Iowa as well as most states have laws requiring the driver of a motor vehicle to have alcohol levels below a certain point but do not limit or define the alcohol limit for what is commonly referred to as public intoxication. We therefore recommend the Service enforce the .08 level on drivers of motor vehicles and expect that persons deemed to be publicly intoxicated be subject the current law.
- 5.2 Electric Motor Areas: Iowa DNR is aware that a group of users would like areas of the River where they can recreate without the noise and speed that is associated with motorized craft. We also recognize that a substantial portion of sportspersons view not being able to motor into these areas as a detriment to their ability to use the Refuge. Iowa DNR cannot support the proprietary use of one area by one user group over another. We suggest making these areas no wake areas with any size motors operated at no wake speed.
- 5.3 Slow No-Wake Zones: The Iowa DNR is willing to work with the Service on the proposed no wake zones. The Service is cautioned that the Iowa Department of Natural Resources is the agency with authority in this matter.
- 5.4 Dog Use Policy: Iowa DNR concurs.
- 5.5 General Public Use Regulations: Iowa DNR concurs.

Goal 6 Administration and Operation

- 6.1 Office and Shop Facilities: Iowa DNR concurs.
- 6.2 Public Access Facilities: Iowa DNR recommends the Service make a canoe landing at each proposed Canoe Trail. Without a landing the public will have a hard time using these areas. We also have this specific comment on Browns Lake in Pool 13 canoe landing; we believe a canoe landing should be put into Browns Lake near the Iowa DNR parking lot known as Blakes Lake in Green

Island Wildlife Area. This landing should be cut through the trees to Browns Lake to be used by canoeist during the open water season and by ice fishing anglers during the winter. That these landings can be used for ATV access to the River during ice over conditions.

- 6.3 Operations and Maintenance Needs: Iowa DNR agrees with the CCP.
- 6.4 Public Information and Awareness: Iowa DNR is in favor of this.
- 6.5 Staffing Needs: The Service should set its own staffing needs to meet the plan.

Thank you for the opportunity to comment on the Plan. We respectfully request that preferred alternative D be amended to include our comments.

Sincerely



Jeffrey Vonk, Director
Iowa Department of Natural Resources